

E-Filed 9/8/15

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

DON LAFLAMME,

No. C 15-3439 RS (PR)

Petitioner,

ORDER OF DISMISSAL

v.

MATTHEW L. CATE, and
WARDEN LIZARRAGA,

Respondents.

Petitioner has failed to comply with the Court's order to (1) file an application to proceed *in forma pauperis* ("IFP"), or (2) pay the filing fee of \$5.00. His application lacks two necessary documents: a Certificate of Funds signed by an authorized prison officer, and a prison trust fund account statement showing transactions for the last six months. Accordingly, this habeas action is DISMISSED without prejudice for failure to respond to the Court's order and for failure to prosecute under Federal Rule of Civil Procedure 41(b). Because this dismissal is without prejudice, petitioner may move to reopen the action. Any motion to reopen **must** contain (1) a properly completed IFP application, which contains the two documents listed above, **or** (2) full payment for the filing fee. His IFP application (Docket No. 4) is DENIED as insufficient.

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Petitioner's motions for an appeal from state court remedies (Docket No. 2), for a temporary restraining order (Docket No. 3), and to suppress the prison staff's opposition (Docket No. 6) are DENIED. The Clerk shall terminate Docket Nos. 2, 3, 4 and 6, enter judgment in favor of respondents and close the file.

IT IS SO ORDERED.

DATED: September 8, 2015


RICHARD SEEBORG
United States District Judge

United States District Court
For the Northern District of California